

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

SONY MUSIC ENTERTAINMENT, *et al.*,

Plaintiffs,

v.

COX COMMUNICATIONS, INC., *et al.*,

Defendants.

Case No. 1:18-cv-00950-LO-JFA

**DECLARATION OF THOMAS PATRICK LANE IN SUPPORT OF
DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION TO PRECLUDE
CERTAIN EXPERT TESTIMONY BY CHRISTIAN TREGILLIS**

I, Thomas Patrick Lane, hereby declare pursuant to 28 U.S.C. § 1746 as follows:

1. I am a partner with the firm of Winston & Strawn LLP, attorneys of record for Cox Communications, Inc. and CoxCom, LLC (collectively, "Cox") in this matter. I am a member of the bar of the Commonwealth of Massachusetts and the State of New York, and am admitted to practice before this Court *pro hac vice*. I have personal knowledge of all facts stated in this declaration, except where facts are stated on information and belief, and as to such facts I believe them to be true. If called upon as a witness, I could and would testify competently thereto.

2. **Exhibit 1** is a true and correct copy of the Report of Christian Tregillis, CPA, ABV, CFF, CLP, dated April 10, 2019.

3. **Exhibit 2** is a true and correct copy of the Supplemental/Rebuttal Report of Chrisitan Tregillis, CPA, ABV, CFF, CLP, dated May 15, 2019.

4. **Exhibit 3** is a true and correct copy of excerpts from the transcript of the June 24, 2019 deposition of Mr. Tregillis.

5. **Exhibit 4** is a true and correct copy of excerpts from the trial transcript in *BMG Rights Mgmt. (US) LLC, et al. v. Cox Commc'ns, Inc., et al.*, 1:14-cv-01611-LO-JFA.

6. **Exhibit 5** is a true and correct copy of the excerpts from the June 25, 2019 hearing before Judge Anderson.

7. **Exhibits 6-9** are Plaintiffs' "Disclosure of Information Relating to Digital Download Revenue," served on January 23, 2019.

8. **Exhibit 10** is a true and correct copy of excerpts from the transcript of the May 2, 2019 deposition of Sony/ATV and EMI Plaintiffs' 30(b)(6) witness Thomas Foley.

9. **Exhibit 11** is a true and correct copy of excerpts from the transcript of the May 14, 2019 deposition of SME Plaintiffs' 30(b)(6) witness Wade Leak.

10. **Exhibit 12** is a true and correct copy of excerpts from the transcript of the May 21, 2019 deposition of UMG Plaintiffs' 30(b)(6) witness Jason Gallien.

11. **Exhibit 13** is a true and correct copy of excerpts from the transcript of the May 7, 2019 deposition of Warner/Chappelle Plaintiffs' 30(b)(6) witness Paul Kahn.

12. **Exhibit 14** is a true and correct copy of the Expert Report of William H. Lehr, Ph.D., dated April 19, 2019.

13. **Exhibit 15** is a true and correct copy of Expert Reply Report of William H. Lehr, Ph.D., dated June 13, 2019.

14. **Exhibit 16** is a true and correct copy of excerpts from the transcript of the June 25, 2019 deposition of Plaintiffs' expert William H. Lehr, Ph.D.

15. **Exhibit 17** is a true and correct copy of Reply Report of Christian Tregillis, CPA, ABV, CFF, CLP.

16. **Exhibit 18** is a true and correct copy of excerpts from Defendants Cox Communications, Inc.'s and CoxCom, LLC's First Set of Requests for Production, dated November 19, 2018.

17. **Exhibit 19** is a true and correct copy of excerpts from Cox's subpoena *duces tecum* to MarkMonitor.

18. **Exhibit 20** is a true and correct copy of excerpts from Cox's subpoena *duces tecum* to the Recording Industry Association of America.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 24th day of September, 2019 in Washington, D.C.

s/ Thomas Patrick Lane
Thomas Patrick Lane
WINSTON & STRAWN LLP
200 Park Avenue
New York, NY 10166
Telephone: (212) 294-6700
Facsimile: (212) 294-4700
tlane@winston.com